

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5625 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

MAGANBHAI JINABHAI

Versus

JOINT SECRETARY

Appearance:

MR RR MARSHALL for Petitioner

MR VM PANCHOLI, AGP for Respondents

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 20/07/1999

ORAL JUDGEMENT

Heard Mr RR Marshall, learned counsel for the
petitioner and Mr VM Pancholi, learned AGP for the
respondents.

2. In this petition, the petitioner has challenged
the order dated 30.1.1993 passed by the State Government
under Section 34 of the Urban Land (Ceiling &
Regulation) Act, 1976 declaring the land admeasuring 2240
sq.mtrs. from the petitioner's holding as excess vacant

land and directing the Competent Authority to proceed further in the matter.

3. While issuing the notice on 14.6.1993, this Court passed ad-interim order for maintenance of status quo. While admitting the petition, the ad-interim relief was confirmed. The Competent Authority had not proceeded beyond Section 9 of the Act and, therefore, possession of the land in question has not been taken over from the petitioner by the respondents as mentioned in the instructions contained in the letter No. KS/30SCA/General/99/V-4, dated 23.6.1999 from the Section Officer, Revenue Department, Government of Gujarat to the Government Pleader.

4. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the order impugned in the present petition does not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

July 20, 1999 (M.S. Shah, J.)

sundar/-